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Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00
PRS-01 PA-01 INRE-00 CIAE-00 INR-07 NSAE-00 SS-15
NSC-05 SP-02 L-03 H-01 DHA-02 SCA-01 /051 W
----------231419Z 005733 /46
O 231301Z MAY 77
FM AMEMBASSY SOFIA
TO SECSTATE WASHDC IMMEDIATE 2931

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E.O. 11652: NA
TAGS: PFOR, SHUM, CVIS, BU (MAREVA, RUMYANA AND YORDANKA)
SUBJECT: MAREV HEARING IN VARNA ON MAY 20, 1977

REF: A) SOFIA 1078; B) STATE 115017; C) STATE 113490

1. CONSUL THIBAULT AND SENIOR CONSULAR ASSISTANT ATTENDED COURT HEARING IN VARNA ON MAY 20, 1977. OPENING WAS DELAYED FORTY-THREE MINUTES AND MOST UNUSUALLY, PRESIDENT OF PEOPLE'S COURT FOR VARNA WAS IN CHAMBER THROUGHOUT HEARING. WOMAN JUDGE, WITH TWO ATTENDING WOMEN ASSESSORS, (WHO HAD WAITED IN CHAMBER FOR ABOUT THIRTY MINUTES FOR HEARING TO START) DICTATED STATEMENTS TO COURT REPORTER, WHO TYPED INFORMATION DIRECTLY IN RECORD.

2. JUDGE OPENED HEARING BY CALLING FOR MAREVS TWICE OVER LOUDSPEAKER SYSTEM, AUDIBLE IN COURTROOM AND IN COURTYARD OUTSIDE. JUDGE THEN DICTATED THAT MAREVS NOT PRESENT TO DEFEND THEMSELVES AND NO ATTORNEY PRESENT TO REPRESENT THEM. JUDGE OPENED CASE FILE AND REMOVED MAREV'S CABLED DEPOSITION (REF C), NOTED THAT COURT RECEIVED DEPOSITION WHICH PROVIDED ADDRESS IN US PREVIOUSLY UNKNOWN TO COURT. CONTINUING, JUDGE STATED THAT COURT WAS REQUIRED TO APPOINT LEGAL REPRESENTATION FOR MAREVS AND NAMED VARNA ATTORNEY, JACQUES
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YAKOV. JUDGE NOTED THAT COURT NOW HAD ADDRESS FOR MAREVS, THUS COMMUNICATION BETWEEN MAREVS AND COURT COULD BE ESTABLISHED, AND SUGGESTED THAT POSTPONEMENT OF HEARING SHOULD BE CONSIDERED. (NOTE: AT THIS POINT PRESIDENT OF VARNA PEOPLE'S COURT GAVE HAND SIGNAL TO JUDGE THAT PROSECUTOR SHOULD RISE AND MAKE STATEMENT.) WOMAN PROSECUTOR ROSE ON REQUEST FROM JUDGE AND STATED

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SHE HAD NO OBJECTION TO CONTINUATION OF HEARING TO LATER DATE. JUDGE SPENT SEVERAL MINUTES CONSULTING CALENDAR BOOK AND SELECTED DECEMBER 30, 1977 AS DATE FOR NEW HEARING. AT THIS HEARING CONCLUDED AND AUDIENCE DEPARTED EXCEPT FOR CONSUL AND PRESIDENT OF COURT.

3. PRESIDENT OF COURT, WHO HAD BEEN SITTING IN FRONT OF CONSUL, MADE FOLLOWING POINTS DIRECTLY TO HIM:

A. MAREVS WILL BE OBLIGED TO PROVIDE LEGAL ADDRESS IN BULGARIA OR EXECUTE POWER OF ATTORNEY FOR LAWYER TO ACT ON THEIR BEHALF IN THIS CASE. (NOTE: AFTER CONSULTING EMBASSY LAWYER, WE BELIEVE THIS MEANS THAT DEFENDANTS MUST SHOW ADDRESS, OF INDIVIDUAL OR LAWYER, IN JURISDICTION OF COURT FOR DELIVERY OF SUMMONSES OR NOTIFICATIONS. UNDER ARTICLE 44 OF BULGARIAN CIVIL PROCEDURAL CODE IF NO ADDRESS ON FILE WITH COURT AFTER FIRST SESSION, THEN ALL COURT NOTICES CAN BE PLACED IN CASE FILE AND CONSIDERED TO BE LEGALLY DELIVERED TO DEFENDANTS.)

B. APPOINTMENT BY COURT OF J. YAKOV AS LEGAL REPRESENTATIVE, DOES NOT INFRINGE ON MAREVS' RIGHT TO HIRE THEIR OWN ATTORNEY. THIS APPOINTMENT BY COURT OF LEGAL REPRESENTATIVE MERELY PROCEDURAL POINT REQUIRED BY LAW.

C. COURT WILL NOW SEND SUMMONS TO MAREVS TO APPEAR IN COURT ON DECEMBER 30 FOR HEARING AND WILL PREPARE A LETTER TO MAREVS OUTLINING PROCEDURES TO BE FOLLOWED
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IN DEALING WITH COURT IN VARNA.

4. COMMENT: PRESIDENT OF COURT CORDIAL BUT CORRECT IN HER DISCUSSION WITH CONSUL. JUDGE, ASSESSORS, PROSECUTOR, AND COURT REPORTER REMAINED IN THEIR CHAIRS DURING THIS DISCUSSION AND DID NOT ATTEMPT TO COMMUNICATE WITH CONSUL. LOCAL LAWYER AGREES WITH OUR ASSESSMENT THAT PRESENCE OF PRESIDENT OF COURT MOST UNUSUAL SITUATION AND HER ELABORATION OF COURT PROCEDURES FOR BENEFIT OF CONSUL ALSO HIGHLY UNUSUAL. THERE CAN BE NO DOUBT SHE WAS AWARE CONSUL'S PRESENCE AND IDENTITY. SHE VERY OBVIOUSLY INTENDED HER OBSERVATIONS TO BE AN "OFFICIAL" ELABORATION OF PROCEDURES.

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5. MRS. MAREV'S BROTHER, ZHELEZ ZHELEZOV, WAS ALSO PRESENT AT HEARING, AS WAS HIS WIFE, MRS MAREV'S MOTHER, AND TWO OTHER WOMEN. ZHELEZOV SPOKE TO SENIOR CONSULAR ASSISTANT BEFORE HEARING AND MADE FOLLOWING STATEMENTS:

A. MAREV CHILDREN
MT AVOWED TO ATTEND HEARING #
BY HEAD OF CH IDCPK'SIYOME. #

B. HE HAD READ FILE ON CASE ON THE PREVIOUS DAY AND NOTED THAT MAREV'S DEPOSITION WAS ON FILE.

C. HE HAD ATTEMPTED TO HIRE ATTORNEY TO REPRESENT MAREVS, BUT NO LOCAL ATTORNEY WOULD ACCEPT CASE. (COMMENT: REVIEW OF THIS POINT WITH EMBASSY LAWYER SHOWS ZHELEZOV CANNOT HIRE LAWYER ON BEHALF OF MAREVS WITHOUT POWER OF ATTORNEY.)

6. AFTER HEARING ZHELEZOV AND FAMILY MEMBERS IMMEDIATELY DEPARTED CHAMBER, BUT ZHELEZOV JOINED CONSUL AND FSLE ABOUT THREE BLOCKS FROM COURT. HE STATED THAT MAREVS MUST HIRE LOCAL LAWYER TO REPRESENT THSR, BECAUSE HE CANNOT OBTAIN ONE. CONSUL ASKED IF CHILDREN WERE
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WELL AND WAS TOLD THEY WERE IN GOOD HEALTH AND DOING EXTREMELY WELL IN SCHOOL (OLDEST CHILD HAS PERFECT GRADES EXCEPT FOR ONE SUBJECT AND YOUNGEST HAS ALL TOP MARKS). HE STATED CHILDREN HAVE NOT RECEIVED ANY LETTERS FROM PARENTS IN LONG WHILE AND HAVE NOT ATTEMPTED TO

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WRITE "RECENTLY". AT THIS POINT, ZHELEZOV ABRUPTLY BROKE OFF AND TURNED AWAY. (COMMENT: THUS WE NOT ABLE TO OBTAIN INDEPENDENT CONFIRMATION THAT CHILDREN STILL WISH TO JOIN PARENTS.)

7. COMMENT: BELIEVE GOB HAS GIVEN POSITIVE SIGNAL IN THIS CASE AND MAREVS SHOULD BE PREPARED TO OFFER POSITIVE RESPONSE IN RETURN. IT IS OUR INTERPRETATION THAT LENGTHY DELAY IN OPENING HEARING (SESSION IN ADJOINING CHAMBER OPENED PROMPTLY AT 0800) AND PRESENCE OF PRESIDENT OF COURT SHOWS UNUSUAL PREPARATION. ACTIONS OF PRESIDENT OF COURT DURING HEARING (GIVING AFOREMENTIONED HAND SIGNAL TO JUDGE) AND AFTER HEARING (TO INFORM CONSUL OF COURT PROCEDURES) ALSO INDICATE SOME MEASURE OF CONCERN. CONSUL ALSO NOTED PRESENCE IN AUDIENCE DURING HEARING OF TWO VERY WELL DRESSED MEN, SEATED IN DIFFERENT ROWS, WHO OBSERVED HEARING AND DEPARTED IMMEDIATELY ON ITS COMPLETION.
FELDMAN

NOTE BY OC/T: SOFIA 1090 SEC 2/2 PARA 5 SUBPAR A # AS RECEIVED, CORRECTION TO FOLLOW

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